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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Butte)

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THE PEOPLE,

Plaintiff and Respondent,

v.

ARTHUR KEITH PENIARANDA-BALDERAS,

Defendant and Appellant.

C087085

(Super. Ct. No. 17CF06046)

Appointed counsel for defendant Arthur Keith Peniaranda-Balderas filed an opening brief setting forth the facts of the case and asking this court to review the record and determine whether there are any arguable issues on appeal. (*People v. Wende* (1979) 25 Cal.3d 436.) We affirm the judgment.

FACTUAL AND PROCEDURAL BACKGROUND

We provide the following brief description of the facts and procedural history of the case. (See *People v. Kelly* (2006) 40 Cal.4th 106, 110, 124.)

Defendant entered the victims' home through an unlocked door while they were asleep inside. He stole the victims' keys and electronics and then used the keys to steal their car. He was later stopped by law enforcement for his erratic driving and claimed he stole the car because he needed money.

The People charged defendant with first degree burglary, alleging people were present at the time of the burglary. (Pen. Code, §§ 459, 667.5, subd. (c).)<sup>1</sup> The People also alleged defendant was previously convicted of two strike offenses. (§§ 667, subd. (d), 1170.12, subd. (b).) Defendant pleaded no contest to burglary, admitted a person was present during the burglary, and admitted to a prior strike conviction.

In exchange for defendant's plea, the People moved the court to strike the allegation that defendant was convicted of a second strike offense. The court granted the People's motion. The trial court subsequently sentenced defendant to the upper term of six years in state prison, doubled for the prior strike offense. (§ 461, subd. (a) [first degree burglary punishable by two, four, or six years in state prison].)

The court also resentenced defendant for his conviction in Tehama County Superior Court case No. 17CR001625: two years for receiving stolen property (§ 496d, subd. (a)), and two additional years for enhancement allegations under section 667.5, subdivision (b). The court ordered those to be served concurrent to defendant's 12-year prison sentence in the current case.

The court then ordered defendant to pay numerous fines and fees, reimposing those fines and fees already imposed in case No. 17CR001625.

Defendant timely appealed; he did not obtain a certificate of probable cause.

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<sup>1</sup> Undesignated statutory references are to the Penal Code.

## DISCUSSION

Appointed counsel filed an opening brief that sets forth the facts of the case and asks us to determine whether there are any arguable issues on appeal. (*People v. Wende, supra*, 25 Cal.3d 436.) Counsel advised defendant of the right to file a supplemental brief within 30 days of the date the People filed their opening brief. More than 30 days have elapsed, and we have received no communication from defendant.

We examined the entire record and found no arguable error that would result in a disposition more favorable to defendant.

## DISPOSITION

The judgment is affirmed.

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/s/  
Blease, Acting P. J.

We concur:

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/s/  
Hull, J.

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/s/  
Duarte, J.